

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

400D0313

## HOUSE ENGROSSED NO. **HB1023** - 1/24/00

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Department of Game, Fish, and Parks

1 FOR AN ACT ENTITLED, An Act to prohibit the use of certain equipment in hunting activities  
2 at night, to provide certain exemptions from such prohibition, and to revise a related penalty.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 41-8-17 be amended to read as follows:

5 41-8-17. ~~No~~ During the time from sunset to sunrise, no person may use or possess night-  
6 vision equipment or throw or cast the rays of a spotlight, headlight, or other artificial light on any  
7 highway, or in any field, pasture, woodland, forest, or prairie, for the purpose of spotting,  
8 locating, or taking or attempting to take or hunt any animal while having in possession or control  
9 any firearm, bow or other implement whereby any game could be killed. However, ~~outside of the~~  
10 ~~Black Hills fire protection district:~~

11 (1) A person may use a hand held light while on foot, to take raccoons ~~after they have~~  
12 ~~been treed by dogs;~~

13 (2) A landowner or occupant and one guest accompanied by the landowner or occupant  
14 may use an artificial light on ~~his~~ the owner's or occupant's land, with a shotgun using  
15 shot shells only or a firearm using a .22 caliber rimfire cartridge, in the taking of  
16 ~~rabbits, hares~~ jackrabbits, coyotes, beaver during its hunting season, foxes, raccoons,

opossums, badgers, skunks, or rodents; and

(3) Any person employed by the Department of Game, Fish and Parks ~~as performing~~  
animal damage control ~~officer~~ may use night-vision equipment and artificial lights in  
the performance of ~~his~~ the person's duty ~~in the taking of nuisance animals on private~~  
~~land if the person has obtained written. In the taking of animals causing damage the~~  
employee shall obtain permission from the owner or lessee of such land.

For the purposes of this section, night-vision equipment is an optical device utilizing light  
amplifying circuits that are electrical or battery powered. The provisions of this section do not  
apply to a law enforcement officer in the performance of ~~his~~ the officer's duty.

A violation of this section is ~~subject to § 41-8-18~~ a Class 2 misdemeanor.

Section 2. That § 41-8-18 be amended to read as follows:

41-8-18. A violation of § 41-8-2, 41-8-6, or 41-8-15 ~~or 41-8-17~~ is a Class 1 misdemeanor  
for each prohibited act or each big game animal or any part thereof, taken, caught, killed, sold,  
offered, or exposed for sale, in possession or in possession with intent to sell, shipped by  
common carrier, or transported to any point inside or outside the state in violation of law. Upon  
conviction of any person for hunting or taking big game, except wild turkey, during the  
nighttime, during a closed season or without a license, the court shall ~~revoke that person's~~  
~~hunting privileges for a period of one year, and~~ impose a fine of not less than two hundred fifty  
dollars for each animal involved and that person shall be required to serve a minimum of three  
days in the county jail and shall have their hunting privileges revoked pursuant to §§ 41-6-74.1  
and 41-6-74.2. A second or subsequent conviction of any person for hunting or taking big game,  
except wild turkey, during the nighttime, during a closed season, or without a license is a Class  
6 felony. In addition, the court shall revoke that person's hunting privileges for a period of five  
years.

1    **BILL HISTORY**

2    1/11/00 First read in House and referred to Agriculture and Natural Resources. H.J. 16

3    1/18/00 Scheduled for Committee hearing on this date.

4    1/18/00 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 12, NAYS 1.

5    H.J. 127

6    1/21/00 House of Representatives Deferred to another day. H.J. 183

7    1/24/00 Motion to Amend, Passed. H.J. 210

8    1/24/00 House of Representatives Do Pass Amended, Passed, AYES 48, NAYS 18. H.J. 211